

## REMARKS

With the entry of the present amendments, Claims 1-5, 7, 8, 11 and 12 are pending in the application. Claim 1 has been amended. New claims 11 and 12 have been added. Support for the amendments and the new claims may be found throughout the application as filed, including FIG. 1 and FIG. 3.

In view of the following remarks, reconsideration and withdrawal of the rejections to the application in the Office Action is respectfully requested.

### *I. Rejection of Claims under 35 U.S.C. § 103(a).*

Pending claims 1-5, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as anticipated by Fiedorowicz et al. (hereinafter “Fiedorowicz”) in view of Reed et al. (hereinafter “Reed”) or Indig, “Photochemistry of triarylmethane dyes bound to proteins” (hereinafter “Indig”). In making these rejections, the Examiner has reiterated the rejections presented in the previous Office Action mailed on April 19, 2006. Applicant respectfully traverses.

For the reasons presented in Applicant’s response of August 18, 2006, Applicant disagrees with the pending rejections. However, in order to expedite the prosecution of the application, Applicant has amended claim 1 to more clearly distinguish the claimed invention from the teachings of the cited prior art. As amended, claim 1 recites a method of selectively killing cancer cells or selectively inhibiting growth of cancer cells that includes the step of exposing a mixture of cancerous and non-cancerous cells to radiation of a suitable wavelength to photoactivate certain triaryl methane compounds for up to 90 minutes. None of the references cited by the examiner teach or suggest this step.

As a preliminary matter, Applicant again notes that Indig does not teach that compounds such as crystal violet “are efficacious in the treatment of neoplastic diseases,” as asserted by the Examiner. Rather, Indig teaches that crystal violet might have some of the characteristics that are necessary, *but not sufficient*, for a photodynamic therapy agent. Indig is silent about the ability of

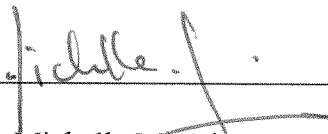
crystal violet to selectively target and kill cancer cells. Therefore, because the selectivity of a photodynamic agent is a critical characteristic, one of ordinary skill in the art would not be motivated by the limited teachings of Indig to use crystal violet in photodynamic therapy. However, even if one assumes that Indig provides sufficient motivation for one of ordinary skill in the art to use crystal violet in photodynamic therapy, Indig does not teach or suggest that such therapy should include the step of exposing a mixture of cancerous and non-cancerous cells to radiation of a suitable wavelength to photoactivate the crystal violet for up to 90 minutes. Indig provides no details about the photodynamic therapy procedures in which the crystal violet would be used. In fact, Indig does not describe a single study that involves the use of cells, cancerous or otherwise, at all. Therefore, Indig provides no suggestion or motivation to select a period of irradiation of "up to 90 minutes," as recited in amended claim 1. Neither Fiederowicz nor Reed cure this deficiency. Thus, because the references cited by the Examiner fail to teach or suggest each and every limitation of amended claim 1, Applicant respectfully requests that the pending rejections be withdrawn.

In view of the foregoing remarks Applicant respectfully submits that all the claims remaining in the application are condition for allowance and favorable action thereon is respectfully solicited. The Examiner is invited contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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